

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JAMES E. CLEMONS
ADC # 78567**

PETITIONER

v.

No. 5:12-cv-176-DPM-JJV

**RAY HOBBS, Director, Arkansas
Department of Correction**

RESPONDENT

ORDER

1. Clemons has moved the Court to order the Department of Justice to investigate the circuit clerk of Union County's actions in handling Clemons's 2013 state petition for habeas corpus, a related motion for reconsideration, and preparation of the record on appeal about those matters. *No* 34. The Court denies the motion for two reasons. First, how the clerk may have handled these filings presents issues beyond those raised in Clemons's § 2254 petition pending here. It is too late in this case to expand the issues. Second, Clemons cites no authority for this Court to order a DOJ investigation in the circumstances presented. This Court declines to take this extraordinary step given the uncertainty about its power to do so.

2. The Court has been delayed in considering Clemons's petition by the press of other business. The Court regrets the delay and is now working on

this case. Some but not all of the record in Clemons's direct appeal has been filed here. That was appellate case No. CR09-1182, decided at 2010 Ark. 337, 369 S.W. 3d 710. The Court would appreciate a complete copy of that record from Hobbs. It may be filed conventionally if Hobbs doesn't have an electronic copy. A complete set of the related briefs would also be helpful. Record and briefs due by 5 September 2014.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

26 August 2014